REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-33 are currently pending. Claims 1-7 have been amended. Claims 8-33 are new. Claims 1 and 11 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seek timely allowance of all pending claims.

EXAMINER INTERVIEW SUMMARY

Applicant thanks the Examiner for consideration of Gindele during the Examiner Interview. The arguments presented below are substantially similar to those presented in the Examiner Interview. The Examiner agreed, pending an updated search, to concede the Gindele reference if the Applicant agrees to change the "obtaining a specific group . . ." limitation (on lines 14-15 of Claim 1) to "obtaining a specific group of color information from among the grouped color information for use in calculating the white balance correction values based on said counted number". This change was made in Claim 1.

REJECTION UNDER 35 U.S.C. § 102 – Gindele

Claims 1 and 4-7 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gindele et al. ("Gindele", U.S. Patent 7,158,174). This rejection is respectfully traversed.

Gindele discloses calculating a scene brightness value to adjust the color of a digital image. While in a broad sense, Gindele may teach white balance adjustment, Gindele utilizes an entirely different formula and method to calculate the gain values by which the R, G, and B values are multiplied. Gindele creates a low resolution version of the image by averaging the red, green, and blue values in an array of pixel blocks called paxels. Using a paxelized array, Gindele calculates a scene brightness value and determines the scene illuminant (light source type) to compute the white balance gains. Gindele uses the average red, green and blue values to a covert to log U-space block where linear RGB values are converted to log RGB values yielding 12-bit integers which are then converted to a log U-triplet which represents the

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luminance-chrominance representation of the original red, green, and blue values. Utilizing these results, <u>Gindele</u> classifies the scene illuminant and subsequently uses the following two white balance correction curves to calculate the white balance gains necessary for an 18% gray patch:

$$ILL_{wb} = B_1 * B_v + B_2 * aveIll + B_3$$

$$GM_{wb} = C_1 * B_v + C_2 * aveIll + C_3$$

The white balance correction curves are based partly on the calculations from the paxelized array.

Amended independent claim 1 recites, *inter alia,* "**<u>grouping the color information for said plurality of division areas for every color information similar to each other; counting the number of color information within each of the groups into which the color information is grouped and obtaining a specific group of color information from among the grouped color information for use in calculating the white balance correction values based on said counted number; and calculating said white balance correction values based on the color information contained in said specific group.</u>**"

<u>Gindele</u>, however, does not disclose "grouping the color information for said plurality of division areas for every color information similar to each other" as recited by claim 1. The passage recited in the Office Action to teach or suggest this claim-feature suggests computing white balance adjustment by determining the scene illuminant and scene brightness value. The paxel group that is obtained is used to determine scene brightness and further does not group similar pieces of color information. There is no teaching or suggestion of grouping the color information from the division areas by similarity or using such grouping to calculate the white balance correction values as is recited in independent claim 1.

Furthermore, <u>Gindele</u> does not disclose "counting the number of color information within each of the groups into which the color information is grouped and obtaining a specific group of color information from among the grouped color information for use in calculating the

white balance correction values based on said counted number" as recited by claim 1. The passage recited in the Office Action to teach or suggest this claim-feature suggests computing a luminance-chrominance triplet and later calculating the white balance adjustment values by using two white balance correction curves. Furthermore, an average value is not the equivalent of counting pieces of color information that are similar to each other. Notably, Gindele is wholly devoid of teaching or suggesting counting the color information in each group to obtain a specific or a plurality of specific groups of color information from among the grouped color information for further use in calculating the white balance correction values.

Lastly, Gindele does not disclose "calculating said white balance correction values based on the color information contained in said specific group" as recited by claim 1. The passage recited in the Office Action fails to teach or suggest this claim-feature. The passage teaches a computing the white balance adjustment using white balance correction curves which are based in the luminance-chrominance triplet. Moreover, the actual white balance gains in Gindele are not the equivalent of obtaining a specific group of color information from among the grouped color information. Gindele does not disclose the use of a specific group obtained from counting the color information of the division areas to calculate white balance correction values.

For at least the reasons stated above, independent claim 1 is patentably distinct from Gindele. Claims 4-7 are at least allowable by virtue of their dependency on corresponding allowable independent claim.

Accordingly, it is respectfully requested to withdraw this anticipation rejection of claims 1 and 4-7 based on Gindele.

REJECTION UNDER 35 U.S.C. § 103 – Gindele, Usami

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gindele et. al. ("Gindele", U.S. Patent 7,158,174) in view of Usami ("Usami", U.S. Patent 6,665,007). This rejection is respectfully traversed.

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Usami does not remedy the noted deficiencies of Gindele. Usami is only relied upon to teach dependent claim features, which are not being relied upon for patentability at this time.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 2 and 3 based on Gindele and Usami.
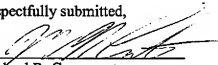
CONCLUSION

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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